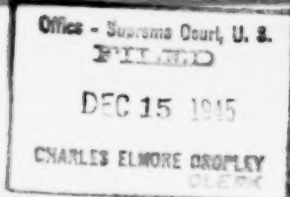


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IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1945

Nos. 587, 588, 589.

EDWIN J. CREEL

Petitioner

vs.

ROBERT T. CREEL

Respondent

**MOTION FOR PERMISSION TO FILE A
SUBSTITUTE PETITION**

EDWIN J. CREEL,
in proper person.

IN THE
SUPREME COURT OF THE UNITED STATES

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**MOTION FOR PERMISSION TO FILE A
SUBSTITUTE PETITION**

*To the Honorable, The Chief Justice and the Associate Justices
of the Supreme Court of the United States:*

Comes now the Petitioner, Edwin J. Creel, and respectfully
prays:

That Petitioner be granted permission to substitute a corrected
and revised copy of Petitioner's present Petition for Writ of
Certiorari, in lieu of the original petition that was filed in this
Court on November 5th, 1945.

Grounds for Motion.

As grounds for the Motion, Petitioner respectfully shows to the Court:

1. That the petition now on file in the Court, in this cause is incomplete, and badly in need of correction and of revision.

2. The defects in that said petition are due to several causes; but principally to the fact; that certain of Petitioner's inventions, and certain of Petitioner's scientific discoveries; now appear to be of immense importance to the National Reconversion and post-war programs.

3. One of Petitioner's said inventions is what might be described as a "low-friction surfacing" for ship hulls. It is believed to be an all but assured certainty, that this said invention can produce an increase in speed of probably 50%, in ships generally, without any increase in the power supply. There is however a minor doubt remaining, as to how well this surfacing will stand up in practice.

4. On the sudden collapse of Japan, early last August; it was apparent that this Nation would face a serious reconversion, and post-war problem, because of the great bulk of excess merchant shipping.

Under these conditions, and because of the apparent importance of the said shipping invention, to the solution of said problem; Petitioner considered it necessary to give his first attention, to an attempt to make that said invention available, as quickly as possible, to the various governmental shipping agencies.

5. Because of time given by Petitioner, to that work; it became necessary for Petitioner to ask for a 30 day extension of time to file his petition for certiorari in this case.

6. With further disclosures of the claims made for the atomic bomb; it became apparent that that said shipping invention might be of even greater importance, as a means of giving

more adequate protection to our naval vessels, against the atomic bomb.

7. With this added complication; it became necessary for petitioner to ask for a second 30 day extension to file his said petition. Then, in a last attempt to get that said invention out ahead of the petition in this case; Petitioner cut his time too short for preparation of his petitions in this cause.

8. As part of the alleged fraud in this case; Petitioner's main appeal 8,770 was held up in the Court of Appeals, until a third appeal, No. 8,910 could be tied in with the first.

Then with three heavy appeals, thus tied together; the Court of Appeals issued no opinion in the case; but instead merely dismissed two appeals as having been taken from non-appealable orders. The aforesaid third appeal was affirmed, on the ground that no error was found in the record.

This placed an impossible burden on Petitioner. For it is impossible to meet all the possible reasons which might have been seized on by the Court of Appeals, as a basis for its decision.

Petitioner thus had no idea whether it was claimed that the sale to Respondent, was a public or a private sale; or whether the Respondent was supposed to have bought the partnership business, as an entirety, as of May 1st, 1944; or whether instead, he was supposed to have bought, on May 1st, the assets that had been sold to Petitioner on Feb. 1st, 1944.

10. With the filing of Respondent's reply brief on Nov. 29th, the issues; in the case were partly clarified. For it was then made apparent, that Respondent claimed to have bought the partnership property as a "continuation" of a public sale; and further, that he claimed to have bought the "assets" of the partnership as of May 1st; and not as of Feb. 1st.

11. Had these admissions, or claims been made clear at the start, it would have been possible for petitioner to write an adequate petition, at least as against the confirmation of the sale

to Respondent. But without those limiting admissions; it was impossible to write any adequate account of the subject matter, within the allowable limits of a petition for certiorari.

12. Petitioner had planned on filing three separate petitions in the case. Because of time given to the reconversion matter, however; and because it was impossible for Petitioner to know what issues he had to meet in the case; Petitioner found it impossible to prepare the three petitions within the remaining time.

13. Petitioner then tried to prepare two petitions to cover the three appeals. And when that proved impossible, because of the shortness of the remaining time; Petitioner was then compelled to rewrite his single petition, to attempt to make it partly cover all three appeals.

14. Finally, Petitioner was unable to complete even that single petition properly, because of the many changes in plan. The petition as filed was then a not fully corrected copy. Petitioner then had a further 50 copies run off, and served both the original and the corrected copy on Counsel for Respondent, on November 15th.

15. Petitioner then asked Counsel for Respondent, to consent to the substitution of the corrected copy, for the uncorrected one that is on file, Counsel refused his consent to that substitution. And Counsel then further in his brief viciously misquoted Petitioner's statement of legal principles.

16. The attention of the Court is requested to the inexcusable false statement, in Counsel's brief; that Petitioner claimed that Sec. 847, Title 28, U. S. C. prohibits the sale of real estate at private sale.

What Petitioner had really claimed, on page 10 of Petitioner's brief, as filed, was that the 4th general "subdivision" of Sec. 847, which permits a private sale of real estate; was apparently overruled by the more specific "2nd sub-division" which requires that any interest in land, that is *in the hands of a receiver*, at the time it is offered for sale, must be sold at public sale.

Under those conditions, and since the Brief of Counsel for Respondent, is a veritable maze of falsification; Petitioner desired to file a revised and amended petition, instead of a mere corrected copy of the original.

Petitioner therefore asked a delay in consideration until Dec. 21st, to permit Petitioner to adequately reply to the Respondent's misstatements and misrepresentations; and to meet the new issues raised in Respondent's brief.

Petitioner was advised that the Court would consider the case on December 15. And in that additional week's time, Petitioner has been unable to prepare both his reply brief, and his amended petition. Petitioner now therefore requests permission to file his ~~said~~ revised petition, copies of which are submitted with this motion.

Respectfully submitted,

EDWIN J. CREEL.